IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2908 OF 2005
IN
CRIMINAL APPEAL NO. 421 OF 2005

Anilkumar R.Rajput ...Applicant

Vs.

State of Maharashtra ...Respondent

....

Mr.Vikash Shivarkar for Advocate for Applicant
Mr.V.B.Konde-Deshmukh A.P.P. for the State

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CORAM: SMT.V.K.TAHILRAMANI,J.

DATE : JUNE 20, 2005

P.C.

1. Heard both sides.

2. The applicant is convicted under Sections 342, 365, 392 read with 397 of IPC. The maximum sentence imposed on the applicant is seven years. The evidence of P.W.1 Shailendrakumar shows that the applicant had showed him country made 'Katta' (firearm). He has stated that the applicant is one

of the four persons who entered in the car which he was driving and thereafter, the accused persons ran away with the said car. P.W.1.Shailendrakumar has identified the applicant in the test identification parade as well as in the Court. The evidence of Shailendrakumar and other evidence on record clearly brings out the involvement of the applicant in the present case. Hence, I do not think that this is a fit case to grant bail.

3. The learned advocate for the applicant has submitted that the normal rule where the accused is convicted and sentenced is that he should be granted bail. He has placed reliance on the decision of the Supreme Court reported in **(2001) 9 SCC 21**. I have perused the said decision. In the said decision, it is also observed in para 3 that the appellate Court should not suspend the sentence if the Court considers doing so is dangerous to the society or any other similar difficulties. In the present case it is seen that the applicant is involved in another case i.e. CR No. 60 of 1999 of Turbhe Police Station. The said case is under Sections 399 and 402 of IPC. In the said case, the

applicant had assembled to commit dacoity after making preparation to commit dacoity. The present case is one in which the applicant was involved in the case of committing robbery. It is seen that the offences are of similar nature. In such case, it is apprehended by the learned A.P.P. and rightly so that if the applicant is released on bail, he may misuse the liberty granted to him by indulging in similar offences. The learned A.P.P. further submitted that it would be dangerous to the society, if the applicant is released on bail, hence, the applicant should not be granted bail.

4. Looking to all the above facts and circumstances, I do not think that this is a fit case to grant bail. Application is rejected. Liberty is granted to the applicant to prefer a fresh application for bail after disposal of the case arising out of C.R.No. 60 of 1999 of Turbhe Police Station.

[V.K.TAHILRAMANI,J.]